

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB 25-07**

WHEREAS, Matthew and Christina Hanratty have applied to the Zoning Board of Adjustment of the Township of Franklin for a conditional use variance to permit a home occupation with conditions; and

WHEREAS, the property in question is located on Harris Avenue and known as Lot 1.05, Block 5504, on the tax map of Franklin Township, said property being in a Residential (RA) Zone; and

WHEREAS, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Elias T. Manos, Esquire, appeared on behalf of the applicants. The applicants reside on a parcel consisting of approximately 2.3 acres, including their single family home and a detached 40 x 55-foot pole barn. The applicant received a zoning permit on January 16, 2025 to permit a home occupation in a portion of the pole barn which met all conditions set forth in the Ordinance allowing a home occupation as a conditional use set forth in Section 253-190.10, including the condition that no more than one non-resident employee may be employed.

3. The applicants now seek a 40:55D-70d(3) conditional use variance to allow 6 nonresident employees on a very limited basis. The applicant began operating a drywall business, Don Merc Drywall Services, LLC in December of 2024. The applicant seeks approval to have 6 employees meet in the pole barn each weekday between 6:30 and 7:30 a.m. to discuss the day's work. The employee vehicles will not be commercial vehicles as defined by Ordinance 253-190.11. The vehicles shall not park on the street. No other activity relating to the business shall take place on the lot. There will be no storage of materials or supplies, parking of commercial vehicles or business activity. The applicant presented the testimony of Paul Kates, Professional Engineer and Professional Planner, who rendered his opinion that the applicant meets their burden of proof regarding the positive and negative criteria. The Board also considered the letter of May 13, 2025 prepared by Zoning Board Engineer and Professional Planner, David S. Scheidegg. 9 nearby residents presented testimony. 3 were not opposed to the applicants' proposal. Those who were opposed raised concerns regarding traffic safety, the concern with future expansion and the suggestion that the morning meeting proposed by the applicants could take place at another

location such as a restaurant.

4. The Board determined that the applicants had met their burden of proof regarding the positive and negative criteria. The use is permitted as a conditional use and the applicants meet 12 of the 13 conditions. The time that the employees will be present is very limited and there are other permitted home occupations that would result in a higher level of activity than what is proposed.

5. The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Franklin. The applicant has shown the special reasons necessary to grant the variance.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 5th day of August, 2025, confirming action heretofore taken, that the application of Matthew and Christina Hanratty for a conditional use variance to permit a home occupation with conditions is hereby granted, subject to the following conditions:

1. The applicant shall obtain all other necessary governmental approvals from State, County, Federal and Municipal governmental agencies or bodies. If the applicant fails to obtain and execute a zoning permit within six months of this approval, then this approval shall be null and void and no permit shall be issued.

2. The applicant shall satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.

3. The applicants shall comply with all conditions set forth in Section 253-190.10 with the exception of the condition set forth in 253-190.10B which allows no more than 1 nonresident employee.

4. No more than six nonresident employees shall be permitted. They shall meet between 6:30 and 7:30 a.m. Monday through Friday and shall not drive commercial vehicles.

5. Their vehicles shall be parked in the driveway and shall not be parked on the cul-de-sac. The cul-de-sac will be kept clear to allow full access for garbage trucks and school buses.

6. No materials shall be delivered to the site. No materials shall be stored on site. No commercial vehicles shall be parked on site.

7. No work related to the business with the exception of the 1-hour morning meeting shall take place on site.

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JOHN GRAVENOR, Chairman

ATTEST:



CHRISTINA MULFORD, Secretary